

REMARKS

Applicants respectfully request reconsideration and allowance.

In this fourth office action, all of the claims 1-50 stand rejected under 35 U.S.C. §102(e) as being anticipated by newly-applied 6,456,858 to Streter. This rejection is respectfully traversed.

To establish that a claim is anticipated, the Examiner must point out where each and every limitation in the claim is found in a single prior art reference. *Scripps Clinic & Research Found. v. Genentec, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991). Every limitation contained in the claims must be present in the reference, and if even one limitation is missing from the reference, then it does not anticipate the claim. *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565 (Fed. Cir. 1986). Streter does not teach all of the features recited in the claims.

Streter describes a dual-mode wireless telephone communications system with a digital wireless communications system and an analog wireless communications system. Based on one or more reported blockage factors in the digital wireless system, an MTSO selectively outputs a "rescan" command one or more selected dual-mode wireless telephones in a lowest priority class. The rescan command instructs the selected dual-mode wireless telephone to register with the analog wireless communications system when the dual-mode wireless telephone is in an idle state. In this way, Streter hopes to limit access to the digital system by dual-mode telephones using proactive rescan commands that avoid the necessity of hard handoff or call transfer procedures under heavy traffic load conditions.

Regarding claim 1, Jensen does not disclose "determining one or more mobile radio subscriber unit connections." Nor does the Examiner explain his contention as to what specific elements in Jensen allegedly correspond to (1) mobile radio subscribers and (2) one or more

mobile radio subscriber unit connections. Figure 3 relied on by the Examiner shows a network connecting processor boards but no mobile radio subscribers or mobile radio subscriber connections. The software objects “installed on” the processor boards are also not mobile radio subscribers or mobile radio subscriber connections. Jensen explains that the software objects are contained in software modules and each object “typically comprises a process and persistent data.” Page 8, line 34.

The Official Action fails to point out the node in Streter in which a failure is detected. The text referred to by the Examiner simply indicates that a cell site processor 60 monitors traffic conditions in the base station, and the MTSO 18 receives reports of base station blockage factors. Amongst many other factors, Streter mentions “cell site processor 60 monitors for base station blockage factors, including a failure in (or detected by) the T1 interface, or some other hardware component.” Col. 10, lines 26-28. High traffic load conditions, interference, and a failure in the T1 interface is not a node failure. Presumably, the Examiner is relying on the text “failure in ... some other hardware component.” But Streter never describes that the cell site processor or any other entity “send[s] a message that identifies mobile radio subscriber connections affected by a detected failure in a node” as recited in claim 1. If the Examiner elects to maintain this rejection, Applicants request that the Examiner specifically identify the message in Streter that identifies “mobile radio subscriber connections affected by a detected failure in a node.” The only message identified in the text identified by the Examiner is the blockage report, and there is no description in Streter that the blockage report includes any identification of mobile radio subscriber connections affected by a detected failure in a node. The message sent from the cell site processor 60 in Streter to the MTSO 18 is a “blockage factor.” No list of active mobile connections is included in that message.

Indeed, when a blockage condition is detected in Streter, the MTSO sends a rescan message to idle dual-mode phones. See the end of claim 1 in Streter “if in an idle state.” An idle phone is by definition not involved in a mobile radio subscriber connection. The reason Streter works with idle mobiles rather than those involved in connections is the desire to avoid hard handovers that may result in lost calls. See col. 2, lines 15-27. Moreover, claim 2 recites “releasing the one or more affected mobile radio subscriber unit connections identified in the message.” Where does Streter describe releasing a connection and what connection specifically is being released? All that happens to a low priority idle mobile that receives a rescan command is that it registers with the analog system.

Regarding claim 15, the Examiner again cites to the same Streter passages referred to for claim 1. But these references do not describe sending "a message identifying the failed device to one or more other nodes" or "the one or more nodes releas[ing] radio subscriber unit connections associated with the identified failed device." Jensen also does not describe “connections are established between an external network and radio subscriber units by way of a radio access network.” Where does Jensen describe “release[ing] radio subscriber unit connections associated with the identified failed device”? Re-registering is not the same as releasing an established and ongoing radio subscriber unit connection. Nor is sending re-scan commands to a group of low priority idle mobiles the same as releasing selected, established and ongoing radio subscriber unit connections that are affected by a failed node.

Regarding claim 21, Streter lacks “a message to another of the nodes identifying one or more active and ongoing radio unit connections affected by the node failure.” The blockage message does not list specific mobile connections. The message sent from the cell site processor 60 in Streter to the MTSO 18 is a “blockage factor.” No list of active mobile connections is sent.

Analogous features from independent claims 34 and 43 are missing from Streter. Nor does Jensen disclose the features of the dependent claims. Because there are multiple features of the rejected independent claims absent in Jensen, there is no need to specifically address the deficiencies of the dependent claim rejections. The anticipation rejection of all claims in Streter should be withdrawn.

The independent claims stand rejected for anticipation based on USP 6,810,247 to Halpern. This rejection is respectfully traversed.

Halpern provides a recovery technique of user interaction information associated with a two-way wireless communication session when the transmission “may be broken due to signal fading, diffraction, signal scattering or any of a variety of problems which occur in a wireless environment.” Col. 1, lines 30-32. This interruption in the session causes the session at the remote process to be terminated with possible loss of the data which was entered during the session. Upon reestablishing communication with the server, the user is unable to continue the transaction at the point where the transmission was broken. Halpern describes associating a series of virtual pages with program blocks, storing program block state information in the virtual pages, and using stored virtual pages to recover from an interrupted communication session.

The Examiner never explains how the claim is being interpreted to read on col. 1, line 30-col. 2, line 24. Where and what is the failed node in Halpern? There is no node failure in Halpern. Rather, the radio channel connection has been lost because of “problems which occur in a wireless environment.” Col. 1, lines 30-32. Where and what is the claimed message in Halpern? Multiple features of the independent claims are missing from Halpern.

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The rejections should be withdrawn. The application is now in condition for allowance.

An early notice to that effect is earnestly solicited.

Respectfully submitted,

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